

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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ESTATE OF JERE SMITH, STORM  
RAHIER, ASHLEY SMITH, and  
JEREMY O'DELL

Plaintiffs,

v.

Case No: 22-cv-169

VERSO CORPORATION, VERSO  
PAPER HOLDING, LLC, VERSO  
MINNESOTA WISCONSIN, LLC, JOHN  
DOE 1-50, JANE DOE 1-50, ABC-XYZ  
CORPORATIONS, ABC-XYZ  
INSURANCE COMPANIES

Defendants.

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**NOTICE OF REMOVAL**

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Defendants, Verso Corporation, Verso Paper Holding, LLC, and Verso Minnesota Wisconsin, LLC ("Defendants"), by and through their counsel, hereby submit their Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, and in support of the removal of this action from the Circuit Court of Wood County, Wisconsin, to the United States District Court for the Western District of Wisconsin, state as follows:

1. Plaintiffs, Estate of Jere Smith, Storm Rahier, Ashley Smith, and Jeremy O'Dell initiated this action in the Circuit Court of Wood County, Wisconsin on February 28, 2022. The action is currently pending in said circuit court as Case No. 2022-CV-68.
2. Defendants accepted service of the action on March 22, 2022. A copy of the Summons and Complaint is attached hereto as Exhibit A.
3. This notice is timely filed pursuant to 28 U.S.C. § 1446(d), in that thirty (30) days have not expired since March 22, 2022, the date on which Defendants accepted service of the Summons and Complaint.

4. Jere Smith was a citizen of Wisconsin, and therefore, the Estate of Jere Smith is a citizen of Wisconsin pursuant to 28 U.S.C. § 1332(c)(2).

5. Plaintiff Storm Rahier is a citizen of Wisconsin.

6. Plaintiff Ashley Smith is a citizen of Wisconsin.

7. Plaintiff Jeremy O'Dell is a citizen of New Mexico.

8. Defendant Verso Corporation is a Delaware corporation having its principal place of business in Ohio. As such, Verso Corporation is a citizen of Ohio and Delaware pursuant to 28 U.S.C. § 1332(c)(1).

9. Defendant Verso Paper Holding, LLC is a Delaware limited liability company having its principal place of business in Ohio. Verso Paper Holding, LLC's sole member is Verso Holding LLC, a Delaware limited liability company having its principal place of business in Ohio. Verso Holding LLC's sole member is Verso Corporation, a citizen of Ohio and Delaware. [*Supra*, ¶ 8.] As such, Verso Paper Holding, LLC is a citizen of Ohio and Delaware for purposes of determining diversity under 28 U.S.C. § 1332. *See ProClip USA, LLC v. Ebert*, No. 21-CV-163-WMC, 2021 WL 6211022, at \*1 (W.D. Wis. Mar. 15, 2021).

10. Defendant Verso Minnesota Wisconsin, LLC is a Delaware limited liability company having its principal place of business in Ohio. Verso Minnesota Wisconsin, LLC's sole member is Defendant Verso Paper Holding, LLC, which is a citizen of Ohio and Delaware. [*Supra*, ¶ 9.] As such, Verso Minnesota Wisconsin, LLC is a citizen of Ohio and Delaware for purposes of determining diversity under 28 U.S.C. § 1332. *See ProClip*, 2021 WL 6211022 at \*1.

11. The remaining defendants, John Doe 1-50, Jane Doe 1-50, ABC-XYZ Corporations, ABC-XYZ Insurance Companies, are fictitious names, and as a result, the Court shall disregard the citizenship of these defendants for purposes of the diversity analysis. 28 U.S.C. § 1441(b)(1) (“In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.”).

12. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, because this action seeks, among other damages, damages for “significant pain and suffering, emotional distress, eventual death, medical expenses, funeral expenses, and other compensable injuries.” [Complaint, ¶ 52.]

13. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds \$75,000, and the dispute is between parties deemed to be citizens of different states.

14. The United States District Court for the Wisconsin District of Wisconsin is the proper district court to which to remove this civil action because it was originally filed in Wood County, Wisconsin, a county within the jurisdiction of this Court.

**WHEREFORE**, Defendants respectfully request that this case be removed from the Wood County Circuit Court of Wisconsin to the United States District Court for the Wisconsin District of Wisconsin.

Dated this 28th day of March, 2022.

**DEWITT LLP**

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**ATTORNEYS FOR DEFENDANTS**  
**VERSO CORPORATION, VERSO PAPER HOLDING, LLC**  
**AND VERSO MINNESOTA WISCONSIN, LLC**

**CERTIFICATE OF SERVICE**

I, Laura M. Davis, hereby certify that on Monday, March 28, 2022, I caused the foregoing **NOTICE OF REMOVAL** to be served on the following parties as indicated below:

Jason T. Studinski <a href="mailto:jason@studinskilaw.com">jason@studinskilaw.com</a> Jennifer J. Kehoe jen@studinskilaw.com Studinski Law, LLC 2810 Gilman Drive Plover, WI 54467  Robert J. Janssen <a href="mailto:bob@janssenlawfirm.com">bob@janssenlawfirm.com</a> Ryan M. Froelich ryan@janssenlawfirm.com 3000 Riverside Dr Ste 210 Green Bay WI 54301-1653	<input checked="" type="checkbox"/> By United States Mail  <input type="checkbox"/> By Legal Messenger  <input type="checkbox"/> By Electronic CM/ECF  <input type="checkbox"/> By Overnight Express Mail  <input type="checkbox"/> By Facsimile  <input checked="" type="checkbox"/> By Email
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/s/ Laura M. Davis